

PRESENT: Robert Chelus, Vice Chairman  
Jennifer Lucachik, Secretary  
Dave Bowen  
Cathy Maghran  
Tony Zeniuk  
Dr. Paul Ziarnowski

ABSENT: Keith Clauss  
David Stringfellow

ALSO	Michael Kobiolka	Town Attorney
PRESENT:	Jeff Genzel	Town Board Liaison
	Thelma Faulring	Secretary to the Boards and Committees
	Sharon Clark	Applicant for 6752 Mill Street; 6022 Thornwood Drive
	Kerry Fitzgerald	NORCO Propane – North Collins
	Ron Yormick	6405 Deanna Drive
	Sean Hopkins	5500 Main Street, Williamsville, 14221
	Joe Gauthier	1900 Bullis Road
	Joe Palumbo	487 Main St., Suite 600 Buffalo, NY 14203
	Dana Darling	6540 Omphalius Road

Mr. Chelus called the meeting to order at 7:32 PM.

Mr. Chelus advised the members that Keith Clauss and David Stringfellow would not be in attendance this evening, and so appointed Dave Bowen to serve as a regular member for this evening’s meeting.

**MINUTES**

Mr. Chelus asked if there were any corrections or additions to the minutes of September 11, 2012.

Mrs. Lucachik: On page two regarding the new sign at ‘Buffalo Buck’s’ it is NOT in violation of Town Code, nor a safety issue.

With that correction and addition, Dr. Ziarnowski made a motion to accept the September 11, 2012 minutes, seconded by Mrs. Maghran and carried.

**GENERAL CORRESPONDENCE**

Mr. Chelus reported that all correspondence is done at this point.

**PROPOSED PROPANE TANK INSTALLATION – 6752 MILL STREET**

Mr. Chelus asked for an overview of the project.

Kerry Fitzgerald – NORCO Propane in North Collins:

- It’s a propane dispensing station primarily for filling small cylinders, gas filled cylinders
- Self-contained
- It’s a tank built on a skid
- Has a pump all built on it
- It will be put in according to NYS Building Code NFPA 58

Mr. Chelus: Do you have any other Special Use permits on the property?

Mrs. Clark: No.

Mr. Chelus read the review received from Mr. Brox:

The proposed business is allowed by the Comprehensive Plan:

1. Special Use permits are required to meet the site plan review requirements – see Section 123-174 B.
2. The site plan and aerial photograph show scattered and unregulated parking and/or vehicle storage all over the property; the overall site plan should address parking/vehicle storage for the whole site; it also indicates the propane storage parking area is on the east property line, with no setback from the adjacent property.
3. The burned down hotel, or other use, if rebuilt, would be within 10 feet of the propane tank.
4. If the special use permit is allowed, there should be some type of protective screen for the adjacent property next to the tank.

Mr. Chelus: Are there any questions for the applicant or concerns?

Dr. Ziarnowski: Size wise, what is that comparable like to a residential use?

Mr. Fitzgerald: At a home that heats with propane, the same size tank probably. The tank is 10-feet long about 40 inches in diameter.

Mrs. Maghran: Is there any type of fencing or anything that goes around it to keep kids from accessing it?

Mr. Fitzgerald: There's a cabinet; everything is going to be kept in a cabinet, the cabinet is lockable so the only thing that's with the tank itself is according to the Building Code, the only thing that really has to be secured is the hose that's used for filling the cylinders, but everything will be in a cabinet that's lockable and tough to get into. The tank itself will have vehicle protection around it, pipe bollards.

Dr. Ziarnowski: How did you determine that's the best spot for it on the property?

Mrs. Clark: It's close enough to the road so that people can see it and pretty clear right in there, a couple of trees that we might have to trim, but that's about all. It's directly across from the side door, it's straight across from where we're going to get the power; we thought that would be the best area. I mean if I'm going to have it I want people to see it, if I put it to far back nobody is going to know it's there so I want to put it where it's noticeable.

Mr. Kobiolka: I think the last propane tank that we had in Town was in Patchin and I think the tank was behind the building, and nobody seemed to have a problem finding it.

Mrs. Clark: No but I don't want to put it way in the back either, I mean...

Mr. Kobiolka: How far back is it from the road?

Mr. Fitzgerald: The back of it is even with the front of the building; I'm not exactly sure where the road is on the survey. But it's actually going to be behind where the original gas island was.

Mrs. Clark: Yes, those were way up front, this is kind of right across from the front part of the building, to the right.

Mrs. Lucachik: Is there protection around it?

Mrs. Clark: Bollards.

Mrs. Lucachik: Is there footage that it has to be away from the gas tanks?

Mrs. Clark: There's no gas tanks there, no gas pumps, no gas tanks, everything is gone.

Mrs. Lucachik: What are the two tanks on the side of building?

Mrs. Clark: Those are empty; they were diesel fuel tanks, they're empty.

Mr. Fitzgerald: The propane tank will be right next to the diesel fuel tank.

Mr. Kobiolka: Vic's in Patchin had a fence around his property so the kids couldn't get to it; you don't think that's necessary for...is that Code?

Mr. Fitzgerald: The reason that Vic had his fenced was because the way the pump station was designed, nothing was secured on the unit itself. It didn't have a cabinet on it, it was just the pump, everything was outside. So the Building Code said that you had to put a six foot chain link fence around it, if you don't do that. So the option is put a cabinet on it, instead of fencing, it does the same thing. A chain link fence wouldn't slow anybody down anyways.

Mr. Bowen: What jurisdiction or responsibilities to recommendation do we as a Planning Board have that go beyond the jurisdiction of the Code Enforcement Officer? The Code Enforcement Officer has signed off on it. I would understand that the Code Enforcement Officer knew where it was to be located; and if he signed off on it why are we discussing it?

Mr. Chelus: It has to come to us for a Site Plan Review because there is a new component of their site.

Mr. Chelus: So we do have to approve the site plan of the propane tank being added it does need the dimensions from the right-of-way from the centerline of the road. So we are going to need something like that to show us...what you gave us was kind of bits and pieces, we kind of had to piece it together but we do need it on one sheet showing the entire parcel, showing where it's going to be; your current parking as you have it.

Mrs. Clark: Isn't that what's there?

Mr. Chelus: But I need your whole site on one sheet, not just a piece of your site.

Mrs. Clark: The whole site?

Mr. Chelus: Yes.

Dr. Ziarnowski: How much trouble would that be?

Mr. Chelus: Do you have something with the whole...

Mr. Fitzgerald: We have those, it's the whole thing, I didn't put the drawing on the whole survey I just put it on...

Mrs. Clark: the area that's going to be...across from the building...the front of the building and so far back on my property but not all the way back...I own over the creek; that's not on here but it's on the survey.

Mr. Fitzgerald: Everything is pertinent as far as installation and the dispensing station is all on the drawing that I have made. The distances back from the road, the building and the setback from the property line and whether or not you need to see the creek...

Side conversations around the table regarding:

- What information is / is not on the site plan
- The security of the cabinet
- The distance from the center line at the right-of-way

Mrs. Maghran: On the aerial view you've got a lot of parking along this side here, are people supposed to come in this area here to...

Mrs. Clark: Those will all be moved, those are cars that are repaired that people pick up, or cars that are for sale; they'll be out of the way. They're just there right now because they've been repaired waiting to be picked up, and some of them are mine for sale that are sitting there. And some of its equipment, I do have equipment and a couple dump trucks that are way in the back. The area that this will be in will be cleared for parking.

Dr. Ziarnowski: Mike, is this a 10-foot setback?

Mr. Kobiolka: I'll have to check the Code. I would assume so because the Town Engineer didn't bring it up and the Planner didn't bring it up

Dr. Ziarnowski: Brox did though. 'The burned down hotel or other use, if rebuilt, would be within 10 feet of the propane tank.'

Mrs. Clark: How could that be? If its 10 feet from the property line how can they build 10 feet from the propane tank? He's never going to build there anyway, unless he sells it and somebody builds; but that's actually that propane tank is going to be sitting where the concrete pad that goes with the building that they never removed, that's sitting there an my propane tank will be 10 feet from my property line. I don't know how far the building is from the other side.

Mr. Fitzgerald: The Building Code requires a propane tank be 10 feet from the property line and you can't build on a property line, you've got a setback.

Mrs. Maghran: Does this require a Public Hearing?

Mr. Genzel: Yes, this is a Special Use Permit which has to be renewed every year by the Town Board, so it has to go through a Public Hearing after the Planning Board's recommendation obviously for approval of the plan & if conforms to your rules.

Dr. Ziarnowski: Would be a hardship for you to put fencing around it, cage it?

Mr. Fitzgerald: To?

Dr. Ziarnowski: It just seems, and again you're in the business and you can tell me that this is safe, but every other facility I've seen, and I now I know why, but this seems like it has it has bollards and it also has fencing around it.

Mr. Fitzgerald: If you go into Hamburg there is only one propane dispensing station that has a fence around it and that's Dibbles and the reason there's a fence around it because it a storage yard. Colley's and Stop & Gas and the car wash in Athol Springs...

Dr. Ziarnowski: Isn't Colley's yard fenced?

Mr. Fitzgerald: No it's not fenced.

Mr. Bowen: So how does this violate our area of responsibility? If it doesn't I think the Building Inspector, the Code Enforcement Officer signed off on it, should approve it, if it doesn't violate us.

Mrs. Lucachik: From what I looked at it doesn't violate any Code that I noticed in the Town Code or NFPA; it's an above ground tank, the cabinet can be secured and they've got bollards around it. I would just suggest that when the snow hits you figure out how to identify it, keep the bollards up high so you can identify it in the snow, but the area itself would need to be cleaned up as Mr. Brox had suggested and I would identify where people are pulling in and pulling out so that there is no confusion. And actually an empty gas tank is more flammable than a full tank.

Mrs. Clark: Not diesel. Gasoline is, these are diesel.

Mrs. Lucachik: If you don't intend on using it, sell it for scrap, be done with it. That way you have more room to park cars.

Mr. Fitzgerald: There's really nothing in there for propane dispensing station, everything applies to the Building Code and the State Building Code.

Mr. Kobiolka: The side setback is 10 feet.

Dr. Ziarnowski: What was Mr. Brox's comment on the storage of vehicles, this is setback so I don't know what he meant by that.

Mr. Chelus: Looking at the aerial the building, Boston Fire Hall is on there but not all of Boston Fire Hall, not the new building, but the rest of the building that is shown on here. If I look at what's on here, that's why we have to have the whole site.

Mrs. Clark: There's the building, how much more do you need? This is the building right here. This is mine, this is theirs. They have no more buildings than that, except for the new one over here. This is their building.

Mr. Fitzgerald: That's the whole building.

Mrs. Clark: That's the whole building how much more do you want?

Mr. Chelus: But it's not in any of these drawings. It needs to be in one of these drawings. We need one drawing that has the whole site on it

Mr. Fitzgerald: That's the old fire hall, it's eight inches from their building.

Mr. Chelus: I know it's very close, but if you look at Site Plan Review, what we need: all existing and proposed parking spaces and driveways; all elevations of existing grades and proposed grades; existing trees and proposed landscaping, if you have trees on the property then we need to see that; we need to see light standards that are on the property, if there are any; we need all adjacent properties, streets, buildings and driveways within 50 feet of the property...

Mrs. Clark: Got 'em.

Mr. Fitzgerald: There are no driveways within 50 feet. Unless you allow someone to do something with the old hotel and put a driveway there.

Mr. Chelus: The newer part of the old fire hall is not shown on this drawing.

Mrs. Lucachik: Do we need that, this back here?

Mr. Chelus: To conform to the site plan, yes.

Mrs. Maghran: Are the parking bollards that are going to be in just along north side or will it surround the entire...

Mr. Fitzgerald: Just around the roadside, the backside and the driveway side, not on the hotel property line because there's not going to be any vehicles driving there.

Mr. Chelus: But there could be in the future, if you could put bollards and...

Mrs. Clark: That's my property, why would I let somebody drive on that side, if it's my property.

Mr. Chelus: The property next door; we don't know what that's going to be in the future, it could be a huge parking lot and people driving through there...

Mrs. Clark: Then, of course we'd have to do something about it.

Mrs. Maghran: There's no way for somebody parking in this parking lot at the Boston Hotel, just to take off and try to cut across here?

Mrs. Clark: No there's a concrete pad there, now. In the future if they pull the concrete pad out and build something.

Mr. Chelus: But if they dig it out and build a building towards the back, and put the parking lot in front, that would be wide open there.

Mrs. Clark: That's what I thought was going to happen, but that never...

Mr. Chelus: It's not possible now but it could be in the future.

Mrs. Clark: By then I won't be there.

Several conversations around the table regarding: what is the future, the proximity of this location to the old Boston Hotel; yearly renewal of this permit.

Mr. Bowen: So this property line, Sharon, this is a concrete wall there?

Mr. Chelus: It's the old foundation of the Boston Hotel.

Mr. Bowen: How high is it?

Mrs. Clark: Very high.

Mr. Bowen: So all the way through, what you're saying is a vehicle can get...

Mrs. Clark: No nothing can get through there, unless somebody bought the property and took it out.

Mr. Kobiolka: That could possibly come up in the future, but it would eventually increase the applicant's cost of putting this in, as long as it's there and is secure at this point. If somebody does take it down, then it could possibly become a violation of Code, and the Building Inspector would take a look at and say 'you've got an exposed tank, and need to have it corrected.' As long as you have something in place now, that's just common sense and saves the applicant some money. If it ever comes out, send the Building Inspector down there.

Mr. Bowen: Does the Code Enforcement Officer have to sign on taking out the wall, does he have to sign off on it?

Mr. Kobiolka: I don't think so, it's not a demolition.

Mrs. Maghran: And how often do you have... is there a safety inspection that has to be done on a regular basis?

Mr. Fitzgerald: The driver gives it a cursory inspection when they fill the tank and we inspect it once a year.

Dr. Ziarnowski: Can anybody drive down the road between where the tank is going to be and the wall?

Mrs. Clark: No.

Mr. Fitzgerald: There's 10 feet in, plus there's going to be a bollard on the backside that's going to kind of block that off a little bit.

Mrs. Lucachik: At this point I don't have any other issues, other than making sure there are bollards.

Mr. Fitzgerald: If you look at the angle, cars coming down 391, they'd have to go like this (swerve) just to be able to do that.

Mrs. Maghran: My only concern is that there is not fencing around it, but it they're not required too...

Mr. Chelus: Would anyone like to make a motion to recommend approval to the Town Board?

Mrs. Lucachik: I recommend approval of the site plan and recommend to the Town Board.

Mr. Chelus: Is there a second?

Mr. Bowen: I second.

Mr. Chelus: All those in favor?

Mr. Bowen, Mrs. Lucachik, Mr. Zeniuk and Dr. Ziarnowski were in favor of the motion.

Mr. Chelus: Opposed?

Mr. Chelus and Mrs. Maghran were opposed to the motion.

Mr. Chelus: The next step is that it goes up to the Town Board to schedule a Public Hearing and they take it from there.

Dr. Ziarnowski: So the Town Board could still put stipulations on that?

Mr. Chelus: Yes.

Mr. Genzel: Based on comments from the Public Hearing there can be stipulations addressed.

Mrs. Clark: Will that be in the paper so we know when it is?

Mr. Chelus: Yes, they should schedule it at the next meeting.

**PROPOSED BROOKFIELD PATIO HOMES – PRELIMINARY SITE PLAN REVIEW**

Sean Hopkins of the law firm of Hopkins & Sorgi on behalf of the co-applicants Dana Darling and Joe Gauthier, who are both here, along with Joe Palumbo with the project engineering firm of Carmina, Wood & Morris.

Mr. Hopkins once again recapped from the beginning of the project:

- Originally when this project came in front of you and was subsequently rezoned by the Town Board if consisted of 104 units, we're now down to 95 units
- Looking at approximately one half acre that impacts the federal wetlands, those being shown as the cross hatched in the back; we're now down to less than one tenth of an acre in terms of wetland impact, so we've made some good changes since the Town Board originally approved this project in June

Mrs. Hopkins: What was specifically changed for purpose of tonight's presentation is laid out in a letter that I submitted with the revised plans, and I'll highlight those points, one by one:

- The dumpsters have been removed
  - Tote service will be available
- 11 additional parking spaces have been added for guest and overflow parking
  - Along the main drive
  - Mr. Palumbo:
    - We've replaced along the drive aisle where the dumpster locations were and we added 2 parking spots in each spot along the main
    - Extended some of the ends of the turnarounds so you can park two cars down here
    - Not all of them were capable of having that done. Once we get the final grading and get more of a fill...
    - ...have added about 5 here between these two units
    - Along with this I'll throw in a turnaround at the end of the drive aisle fire/emergency vehicles or large service vehicles, garbage truck, delivery vehicle, snow plow and it gives us a place to put snow, where it'd be pushed off the end, as well the need for guest/overflow parking this could create more parking space
- These internal driveways are wide enough, that if someone had a guest they could accommodate a vehicle for a short period of time

Mrs. Maghran: This area down here where we're talking about a turnaround can a fire truck turn around there?

Mr. Palumbo: It should be able to by the design standards that we used.

Mr. Genzel: A ladder truck?

Mr. Palumbo: I don't know if you're going to get a ladder truck in there but if they...obviously when you get into that situation there's some finagling and...

Mr. Hopkins: And these are single story buildings.

Discussion followed regarding firefighting; the fire district this particular property is in; and where these dimensions were 'borrowed' from.

Mr. Hopkins: The other changes that we made:

- We added a phasing line
- We made some slight modifications to the buildings:
  - 2 of the seven unit buildings were modified to six unit buildings
  - 1 four unit building was modified to a six unit building
- Mr. Brox pointed out that our site data table was not 100% accurate, that has been corrected
- Emergency access drive between the two projects have been added
  - The width of that is 15 feet
- The previous 3 unit building that showed a setback of 15 feet previously, that is now showing a setback of 57.3 feet which easily complies with the Code
- Handicap accessibility
  - We have found out that a minimum of 5 of those units would have to be 'type B' units, which means that they would have to be handicap accessible
  - We may provide more than that
- We have submitted landscaping plans
  - They have been e-mailed to Mr. Brox
  - We have dramatically increased the number of trees and bushes along Boston State Road & along that interior roadway that will separate the two projects
  - We're showing 2 trees at the end of each parking aisle
  - We may give some consideration of some shrubs in front of the individual buildings to make it more aesthetically pleasing
  - This has to be reviewed by Mr. Brox, once those plans are stamped and forwarded to him

Mr. Hopkins: So what we're looking for at this point is just an affirmation from this Board that we're moving in the right direction; we're anxious to let Joe and his staff go and finish up the engineered plans so that after we go and get engineering sign-off from Mr. Hannon, as well as any other agencies involved, we can come back to you with a full set of engineered plans. Also submitted last time was a conceptual elevation, obviously we're envisioning single story buildings, there's actually a condition imposed by the Town Board that requires, I believe from the first 800 feet back from Boston State Road, to limit to single stories, all of these will be single stories.

Dr. Ziarnowski: That berm that you talked about...

Mr. Palumbo: We're still in the stages for finalizing the berm; once we're happy with this layout then I'll finalize the berm...the intent is to have a berm there, yes.

Dr. Ziarnowski: The handicapped – five for the entire project?

Mr. Hopkins: Minimum; in phases we may add more. We want to make sure that we can accommodate those people that need those types of accessible features.

Dr. Ziarnowski: You gave us a lighting pamphlet?...

Mr. Palumbo: What I've provided is some cut sheets of the lights we intend to use; we do not have our full photometric; the original photometric I had we modified because I rearranged the west end of the site to accommodate the turnaround.

Mr. Hopkins: The most important point of these light fixtures you can see is able to be put in, & shielded. You're not going to see lighting spill over into that entire area.

Dr. Ziarnowski: Now on the lampposts going through whole community, you can get cutoff, you can get semi cutoff on those lights; and you did a heck of a job and it's important, if it sides downcast, the box lights going in on for the entry lane, that's the way it should be, but on these lights Joe, you've got a choice of a couple of things depending on what you've ordered and these are cutoff lights and not necessarily full cutoff lights, so what I did I got some stuff from a good exterior lighting plan and it talks about cutoff switch, shielded, unshielded and the difference between the colonial fixtures, unshielded in the colonial cutoff fixtures is that they have the light source buried up a bit under the cap.

Mr. Palumbo: The ones we intend to use has the light source in the cap itself, this is for the main drive aisle; this is what came back from our lighting designer what he wanted to use was this shoebox style, and that allows you to have a house shield on the back of it which deflects all the light in the direction that the light is facing. These lights, the colonial style, are top mounted, the light fixture is actually mounted in the top portion of this, the bottom portion is just glass, the idea is that it sprays the light down more than outward and upward.

Mr. Hopkins: But still it gives you that nice residential appeal.

Mr. Palumbo: We wanted to use more residential lights near the buildings to give it a better feel than these industrial style; chances are that the houses will have front door lights as well, so the stoops will be lit up.

Mr. Hopkins: We will have a lighting plan. The other thing we're looking at and we're not here yet - one of the Town Board conditions is that any signage we have on Boston State Road is to be aesthetically pleasing, so we will provide you with a sign detail; and the other thing that Dana, Joe and Joe have been looking at is how we're going to handle mailboxes; Joe has come up with a really nice design for the common mailbox area, so we will be back with that as well.

Mrs. Maghran: My concern, I guess because of the age we're attracting, when they're in here, in between 4, 3 and 10 some type of a loop where nobody has to turn around.

Mr. Palumbo: If you were to come into the property and coming down the main drive aisle and you realize that you wanted to turn around or you're a delivery truck making a delivery truck to one of the first units you could come up to the next 'finger' basically do a three point and pull back out; or one of the parking spots themselves, that's why we thought adding some parking along the main drive would be beneficial; as we do the phasing we have been discussing a turnaround so you would come in past the phase, turn around and come back out.

Mrs. Maghran: I'm thinking about the safety of those residents there as well as somebody visiting, etc. if there was a turnaround rather than a three point turn or a back-up.

Mr. Palumbo: Turnarounds are nice but they take up a lot of space.

Mr. Palumbo went on to explain about the wetlands that aren't going to be disturbed, the amount of existing trees, and the impact that they are trying to put on this site, and the steep slopes.

Mr. Hopkins: And that's why we lost density, because we couldn't get into the wetlands.

Mr. Bowen: Is there existing contours and draining patterns for this site?

Mr. Palumbo: There are existing contours on this site.

Mr. Bowen: Have we seen them?

Mr. Palumbo: They're not on this plan they're on the grading plan.

Mr. Hopkins: They will be coming.

Mr. Bowen: So we are going to see them?

Mr. Hopkins: Yes, absolutely. It was submitted with our original submission, the topographical survey of what's there today. What has to happen here is that Joe has to prepare a detailed analysis demonstrating that he is complying with the very stringent stormwater quality and quantity standards of the DEC, so that will be the next stage and that's a lot of work.

Several individual conversations occurred around the table.

- Planning Board comments
  - Response from Darling, Gauthier, Palumbo or Hopkins
  
- This looks good
- Like the addition of more trees
- Turnaround should be bigger
  - Could be made a little wider
- Sewer and Water
  - Once we have conceptual confirmation, then that's where we go next
  - Water won't give us any approval until we have full engineering plans
- Mailboxes – before or after berm
  - Looking at a cluster at the end of each unit
- Build next unit(s) as each current units are filled
  - Yes, probably two at a time
- Two separate projects – Brookfield and Deanna Drive Subdivision
  - Yes, absolutely and will be a completely separate submission
  - Going to ZBA for variances on Deanna Drive extension for lot depth
  - Discussion continued not relevant to this evening's agenda

- Ponds – wet or dry
  - Wet
- Recycling
  - Along with trash pick-up, just like at an individual residence
- Gated?
  - Don't think so

Mr. Bowen: Does the Town presently fund a menu of social services to its citizens and funded out of the tax base?

Mr. Hopkins: Primary funding for Social Services is not done through the Town, no

Mr. Genzel: The Town provides our seniors with programs funded by tax dollars

Mr. Bowen: Has there been an impact study determining what the increase in funding will be required for the type of residents that's going into these units

Mr. Hopkins: That's not a requirement for site plan approval; all the infrastructure here is privately financed; that's what would be expense for the Town – public infrastructure

Mr. Bowen: I'm talking long term social services, they always seem to have a creeping effect, and as people age there's probably and depending upon the demographic characteristics of the people that are proposed to go in there; as they age there's going to be higher need for social services

Mr. Hopkins: I don't know what specifically- what types of service...

Mr. Genzel: Like emergency services? Ambulance...

Mr. Bowen: Whatever services are provided in the Town's budget now.

Mr. Genzel: Emergency services.

Mrs. Maghran: All the rest comes through the County.

Mr. Bowen: Another question relates to the reference here to market studies, market research was done. Have we seen that market research?

Mr. Hopkins: No, that's proprietary, we're not going to be submitting that; that would get into the hands of our competitors.

Mr. Bowen: In essence you're making a representation that your market research justifies this development.

Mr. Hopkins: Absolutely.

Mr. Bowen: Well where's the facts to support that?

Mr. Hopkins: The expenditures that Mr. Darling and Mr. Gauthier have spent to today demonstrate that and again this will be built in phases. If we were in front of you and saying 'guess what we are very confident that there is demand for 95 units; we're going to build this thing out and we're going to rent it out in three months' no we're not doing that it will be built out in phases.

Mrs. Lucachik: And the Comprehensive Plan does indicate, the Plan that we're currently reviewing, does indicate that the Town sees a need for housing for senior citizens.

Mr. Bowen: Based on market research?

Mrs. Lucachik: Based on what the Town needs.

Mr. Hopkins: And that's true of every single community in WNY right now.

Mr. Bowen: At what price range?

Mr. Darling: We're trying to keep it right around \$1000.00, maybe a little bit under, \$1000.00 per month; which is pretty reasonable.

Mr. Hopkins: For brand new nice units. And the nice thing is if your downsizing, and you're moving here from your house, \$1000.00 might seem like a lot but when you start thinking about you pay in property taxes, maintenance costs, new roofs, new siding; all those costs are now out of your wallet, you know exactly what you're going to spend every month and that's a nice trade-off for many seniors. We also think, again, Boston is a nice place, we think there is a lot of people in Boston that if there was this type of new housing in Boston, they're going to sell their house, hopefully they'll stay here. We're really targeting the people in Boston; will they all be Boston residents? No, but that's the target market.

Mr. Bowen: Has there been any provisions for needs for continuity of care?

Mr. Hopkins: No, we're not providing that, this is independent living. If you're beyond that, you need to move on.

Mr. Chelus: They're targeting 55 and above but it's not a regulated community.

Mr. Hopkins: What you will find typically with these types, and this is a good from Dana and Joe's perspective; say there's a 65 year old who's retired, has a pension, lives in the Town of Boston and want to stay in the Town of Boston, generally they will stay here until they need to move on to the next level of housing; which means that you don't have turnover every year like you do with many apartment projects.

Dr. Ziarnowski: Is there a motion to be made here?



Mr. Chelus: No, they have a lot more stuff to go. This is just a discussion of the project. There is nothing on the table here is just getting more information to them to continue the process.

Mr. Hopkins: I'm not asking for a formal vote or anything; but what we don't want to do is tell Joe and his firm to go ahead and then go back and say we forgot a big thing. As far as are we okay I know this is a single dimensional but in terms of a layout do we have a green light to go ahead. It's not a horrible decision.

Mrs. Maghran: You've addressed everything that we questioned; you've made the changes to coincide with everything that we discussed at the last meeting, so I...

Mr. Chelus: You've answered pretty much all the questions that we've had. Is there anything else? No? Thank you gentleman.

Mrs. Maghran: One minor suggestion because of the fact that you are targeting a group that will either have a loss of a spouse or handicapped, it might be something to think about, as long as you've got the walls open and are wiring, to put some type of emergency buzzer in, that would directly go to 911. It might be a good selling feature.

Mr. Palumbo: It might be a better idea to purchase an emergency alert bracelet or necklace.

**LIASION – COUNCILMAN GENZEL**

Mr. Genzel reported from the Town Board meeting of September 19, 2012.

- Approved
  - Mill Street Storm Drainage project
    - \$119,000.00
    - We had \$100,000.00 grant
    - Our Highway Department is doing a bunch in-kind services – trucking, bought the pipe
    - Going from Boston State to the Creek
    - Phase 2 from Boston State To St. John's

Dr. Ziarnowski: What is this going to do?

Mr. Genzel: This is to relieve the drainage on Boston Cross Road, where St. John's is; they created, basically a pond there, residents get flooded; we've got large pipes that take a 90° turn and go through St. John's parking lot, with all the stormwater coming off Boston Cross, and then takes another left and crosses Boston State Road and goes down back in behind A.W. Dye Insurance. Since they redid Boston Cross Road in 1995 it's done some major erosion behind Dye's and all those houses, because we've funneled, concentrated the water that way. So we're trying to pull it down and go directly to the creek from about St. John's; because if the pipes crush in St. John's, they're not going to pay for it. That project should be starting soon. Are there any questions to take back to the Town Board, anything?

Mrs. Maghran: Again, I am just concerned for safety features for this propane tank. That end of Town is a disaster, it's an eyesore, it needs something done by the hotel area parking and this guy's got fifteen million trucks and cars out there that look like hell and now he's sticking a propane tank in the middle of it. If I lived down there I'd have a fit.

Secretary Faulring: We've been having a fit for the last 35 years, and she hasn't done anything and she won't.

Mr. Genzel: I can carry those comments...

Secretary Faulring: Those comments will be made at the Public Hearing.

Mr. Zeniuk: Can you comment at the Public Hearing?

Secretary Faulring: If I can't I'll quit this job so I can.

Mr. Kobiolka: Of course she can, she's a neighbor.

Secretary Faulring: But I'm out of the impact area, I won't get a letter.

Mr. Genzel: These are some valid concerns...

Mrs. Maghran: If they are going to put a structure into that mess, okay there are a lot of people that have them next to their house, but this is in open business that's there around the clock; it's on major intersection that goes through Town; that there's people coming out of the Boston Hotel in who knows what kind of condition, etc., etc. At least that's got to be cleaned up before you're going to stick another business in there and right now it's a change of use, it's our only opportunity, Special Use, but it is a change of use of what they're doing; they're going from...

Mrs. Lucachik: Not necessarily change of use, but an additional use.

Mr. Kobiolka: Which can always be taken up to the Town Board, when...

Mrs. Lucachik: They were most likely providing propane but not as safe as they would be with this tank; and all the features with the new propane tanks that are required is that they have to have an automatic, if you're not squeezing it, it shuts off automatically, so there no fumes, there are no hazards...that's what is required.

Mrs. Maghran: That's not what I'm worried about as much as I am the kids climbing around; not that they're going to cause the tank to blow up but that they're going to be climbing on that tank had have something happen to one of them and then there's...

Mr. Genzel: There's some concern about outdoor storage in C-1 and how it looks now compared to what they're zoned; I think all of that will come out in the public comment...

Mrs. Maghran: That round huge tank in the middle of an area where's there not a lot of people in the evening and at night is just calling for a bunch of kids to hang out on it.

Dr. Ziarnowski: That's why I asked if it would be a hardship to put a fence around.

Mrs. Maghran: Not to protect the tank as much as to protect the public from the...

Mrs. Lucachik: That's why it will say in the minutes: what are you doing with the tanks that are now empty? We suggested putting a fence and there is clear driveway, there is no clarity between what's for sale, what's not for sale...

Secretary Faulring: Then that recommendation to the Town Board should not have been made.

Mrs. Lucachik: But it was Special Use so all of that, I don't know how that all applies to get all of the drawings just to add a propane tank...

Mr. Zeniuk: How secure are the locks on those? Kids can get into a lot of trouble these days. They find ways of opening and getting into things.

Mr. Chelus: Next agenda item.

Mr. Genzel: Paul had asked a question last time about the status of the clean-up at the old Boston Hotel site. The Supervisor said they have been issued a summons and should be in court here...

Secretary Faulring: No they have not been issued a summons. They've been issued a letter, a letter was sent last week I believe it was under New York State Property Maintenance Code 302.4 I think and if there is no action taken after receipt of that letter, then a summons would be issued.

Mr. Genzel: Thank you Thelma for clarifying that.

Discussion again followed about the old Boston Hotel site.

Mr. Chelus: Town Attorney, Mr. Kobiolka.

**TOWN ATTORNEY – MR. KOBIOLKA**

Mr. Kobiolka had nothing to report this evening.

Mr. Chelus: Is there a motion to adjourn?

Mrs. Maghran: I'll make a motion to adjourn the meeting (8:46PM).

Mr. Chelus: I'll second it.

Mr. Chelus: We are adjourned.

Respectfully submitted,



Jennifer Lucachik  
Secretary